

8-11-04

Patent  
Express Mail Label No. EV 434368546 US  
Atty. Dkt. No. 949797-100030 US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: )  
Edward M. Goldsmith, et al. )      Group Art Unit: 3711  
Serial No.: 10/826,983 )      Examiner: Yet unassigned  
Filed: April 16, 2004 )  
For: Hockey Stick )  
Docket No.: 949797-100030 )  
Customer No.: 34026 )

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### FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this First Supplemental Information Disclosure Statement ("IDS") are brought to the attention of the Patent Office. The items are listed on the attached form PTO-1449. Pursuant to the Official Gazette Notice of August 5, 2003 the U.S. patents and applications listed in the attached PTO-1449 form are not being submitted in that the subject application was filed after June 30, 2003. A copy of the August 5 Notice is attached hereto. Accordingly, Applicants are providing copies of only the listed non-U.S. patent documents (e.g. foreign patent documents and non-patent literature). Should copies of the U.S. patents and applications listed on the attached PTO Form 1449 be required in order for the those references to be duly considered, please advise and Applicants will provide copies of those references. Applicants respectfully request that a

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### CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

EV 434368546 US  
Express Mail Label No.

August 9, 2004  
Date of Deposit  
LAI-2148139v1

Yolanda Ybuan  
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Signature of Person Mailing Paper

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copy of the Form 1449, as considered and initialed by the Examiner, be returned with the next communication.

**It should be understood, that the items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. Applicants submission thereof is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicants as such.**

**INFORMATION DISCLOSURE STATEMENT FILING PROVISION:**

This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

The fee due under 37 CFR § 1.17(p) is submitted herewith.

A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

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**STATEMENT UNDER 37 CFR § 1.97(e):**

Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

**PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:**

A check in the amount of \_\_\_\_\_ is enclosed for the above fee(s).

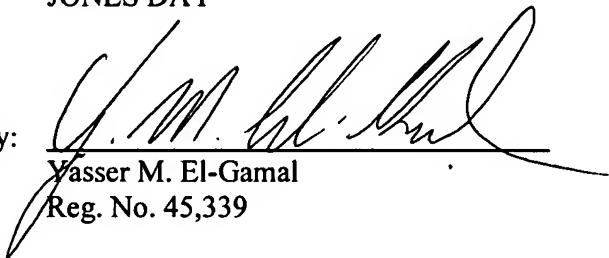
Please charge \$0.00 to Deposit Account No. **50-2468** for the above fee(s).

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Jones Day's Deposit Account No. **50-2468**.

Respectfully submitted,  
JONES DAY

By:

Yasser M. El-Gamal  
Reg. No. 45,339



Dated: August 9, 2004

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LIST OF PATENTS AND OTHER ITEMS FOR APPLICANTS' FIRST  
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

AUG 09 2004

(Use several sheets if necessary)

APPLICANT:  
Edward Goldsmith et al.FILING DATE:  
April 16, 2004GROUP:  
3711

## U.S. UTILITY PATENTS

EXAMINER INITIAL	DOCUMENT NUMBER	ISSUE DATE	NAME	U.S. CLASS	PUBLICATION DATE	FILING DATE
AA	2,912,245	11/10/59	Gardner et al.	273/67		02/27/57
AB	3,720,410	03/13/73	Saytar	273/67A		01/04/71
AC	3,809,401	05/07/74	Hankele	273/67A		03/12/73
AD	3,851,880	12/03/74	Ritch	273/128R		10/06/72
AE	4,351,528	09/28/82	Duplin	273/67A		07/07/80
AF	4,358,117	11/09/82	Deutsch	273/326		07/29/81
AG	4,520,042	05/28/85	Smith	427/209		01/31/84
AH	4,660,832	04/28/87	Shomo	273/73J		03/25/85
AI	4,739,994	04/26/88	Lewis, Jr.	273/326		10/29/86
AJ	4,765,856	08/23/88	Doubt	156/212		09/23/87
AK	5,042,804	08/27/91	Uke et al.	273/75		07/23/90
AL	5,067,726	11/26/91	Brine, III et al.	273/326		12/14/90
AM	5,456,463	10/10/95	Dolan et al.	273/67A		09/23/94
AN	5,520,385	05/28/96	Quigley et al.	273/57.2		07/30/93
AO	5,593,158	01/14/97	Filice et al.	473/520		12/21/95
AP	5,599,242	02/04/97	Solviche et al.	473/318		02/06/96
AQ	5,685,791	11/11/97	Feeney	473/513		12/28/95
AR	5,772,541	06/30/98	Buiatti	473/520		05/01/97
AS	6,176,640 B1	01/23/01	Gonczi	403/375		07/14/99
AT	6,273,829 B1	08/14/01	Carlson et al.	473/316		01/22/99

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant

LIST OF PATENTS AND OTHER ITEMS FOR APPLICANTS' FIRST  
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

ATTY. DOCKET NO.  
947977-100030SERIAL NO.  
10/826,983APPLICANT:  
Edward Goldsmith et al.FILING DATE:  
April 16, 2004GROUP:  
3711

## U.S. PUBLISHED UTILITY PATENT APPLICATIONS

EXAMINER INITIAL		DOCUMENT NUMBER	ISSUE DATE	NAME	CLASS	PUBLICATION DATE	FILING DATE
	AA	US 2001/0029813 A1		Schroder	81/20	10/18/01	10/16/97
	AB	US 2002/0107095 A1		Becker	473/564	08/08/02	10/08/99

## U.S. DESIGN PATENTS

EXAMINER INITIAL		DOCUMENT NUMBER	ISSUE DATE	NAME	CLASS	PUBLICATION DATE	FILING DATE
	AA	US D440,617 S	04/17/01	Goldsmith et al.	D21/753		12/16/99

## CANADIAN PATENTS

EXAMINER INITIAL		APPLICATION NUMBER	FILING DATE	PATENT NUMBER	ISSUE DATE	LANGUAGE	TRANSLATION YES NO
	AA	unknown	unknown	633295	12/26/61	English	N/A

EXAMINER:

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EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant